

**DEKALB COUNTY OPERATIONS TASK FORCE (OTF)**

**SUBCOMMITTEE 2 GOVERNANCE**

**JULY 30, 2014**

**MANUEL MALOOF AUDITORIUM**

**6:00 P.M.**

Those present were:

Vaughn Irons - Chairman, Development Authority of DeKalb County.

Commissioner Jeff Rader - District 2.

Commissioner Sharon Barnes Sutton - District 4.

Senator Gloria Butler - DeKalb and portions of Gwinnett.

Senator Fran Millar - Senate District 40.

Jim Grubiak - General Counsel, Association of County Commissioners of Georgia.

The subcommittee meeting was opened by Mr. Vaughn Irons, the Chairman of the Operations Task Force Subcommittee on Governance. He availed the podium for short comments.

**PUBLIC COMMENT**

The speakers were: Joe Arrington, Paul Jones, and Robert Stamper.

Mr. Arrington expressed his disappointment with poor neighborhood representation. He expected more publicity to attract greater audience. He observed that there isn't much being done in that regard and shared his speculation that broader public involvement perhaps isn't

necessarily sought after by the OTF members, who were possibly selected to deliver some preconceived outcome. Mr. Arrington also complained about the lack of slide presentations in the previous and this meeting. He concluded with an appeal to generate a lot more public interest.

Mr. Jones presented his questions about the nomination process. He asked whether Mr. May is opposed to waiving attorney-client privilege to allow the general public to review the county attorney's legal opinion this past spring on how the appointment process for District 5 would take place. He indicated that he posed the same question to his commissioner as well. He then asked if the CEO would pledge to waive his Section 11 privilege in the event of a tie vote for and against his nomination, and that he waives it not just for this appointment process but until Mr. Ellis's trial is addressed.

Mr. Jones then addressed the subcommittee about the Organizational Act, reiterating his question from the July 2nd meeting: if there was a special election for the CEO in a special election for the District 5 post, more or less if Mr. Ellis is convicted and Mr. May has to make a decision, shall he take his old seat back or shall he run for CEO. He invoked Sections 2 and 5 of the Organizational Act, pointing out the requirements for a commissioner candidate and a person running for CEO, respectively. He appealed to the panel to review Sections 2, 5, and 6 and discuss the matter in light of the State Law 45-2-1 superseding Organizational Act.

Senator Fran Millar offered to share with Mr. Jones the State's Attorney's legal opinion on the correctness of what's transpiring in the current process to replace the District 5 Commissioner.

Mr. Stamper agreed Mr. Arrington's comments and observed that there is neither recording nor a transcript available on the Internet from the previous meeting. He suggested that it would be beneficial for everybody if these proceedings could be broadcast on DCTV or were at least

made available in some type of written record, particularly for those not able to attend. He urged the committee to create an atmosphere of greater involvement.

Mr. Arrington asked why there are no transcripts available.

Ms. Phyllis Mitchell answered that it takes a week to transcribe the proceedings and to prepare the reports. She also explained that minutes cannot be posted without the approval of the Task Force and that those that have been approved have been made available online.

Mr. Irons summarized the explanation provided by Ms. Mitchell. He also declared that the intention of this body is to make sure that minutes are properly recorded and the discussion and proceedings are properly documented.

Ms. Mitchell addressed then the concerns regarding the publicity, pointing out that the same means of media distribution (AJC, one DeKalb's distribution, press releases) were utilized as in the past, when they were deemed sufficient to drum up audience development.

Mr. Irons introduced the presentations from Georgia State.

Dr. Greg Streib described it as findings from looking into forms of government for counties.

Questions were raised by Mr. Irons as to the nature of the presentation consisting of the report without the slides.

Dr. Streib clarified that there's nothing in the slides that's not in the report.

Ms. Mitchell added that the attempts to print the slides emailed by Dr. Streib were not successful. Dr. Streib apologized for this issue.

Senator Millar stated that his understanding was that the slides would be provided in advance.

Ms. Laura Wheeler expressed the concern about when the reports are received and pointed out the due dates. Senator Millar asked if they could be received a couple of days in advance. Ms. Wheeler answered that they are doing their best to turn them around timely.

Mr. Irons announced that he'll share during the committee discussion a few issues that were discussed between him and John Shelton on the topic and offer some suggestions to improve the process for the committee and the public.

Ms. Mitchell noted that it takes Georgia State eight weeks to turn around their reports. She stated that it was made known that the report for tonight would not be delivered in advance, but moving forward for all the other meetings, the reports will be available in advance.

Dr. Streib began his presentation with the conclusion that urban reform was relevant, particularly the reforms that took place originally in cities. He described the early 1900s as a time of change, when professions were being formed and that had a big impact on society. This marked the beginning of a lot of urban reform efforts.

Municipal reform started in New York City with research centers that had many broad goals of improving city life and living standards. This reform gradually developed into instituting professional standards which some people saw as a way to reduce politics in government. That in turn helped fuel the movement of urban reform. The city manager plan was promoted as a

way to separate politics from the practicalities of government. The first city managers were actually civil engineers. Politicians made the decisions and civil engineers made the city work. The work of city managers was well defined. Dr. Streib signified here Richard Childs, a reformer at the time, one of the big proponents of the city manager plan. He outlined the idea of a professional manager as an implementer and executor of the council's directives established after it examines the issues and public sentiments. The elected council holds the city manager accountable. Dr. Streib indicated that today this model is widespread, with some 92 million individuals living in cities operating under the city manager form of government.

Reform of counties started taking place much later, along with suburbanization, but today's cities still garner more attention as more research is done on cities than counties. County data is not as readily available, but it shows that the commission is the traditional form of county government and it still remains a majority. It generally has a board of elected officials who form a legislature and simultaneously hold executive power. Dr. Streib suggested that it's sensible probably in a smaller community where everybody knows one another and issues are not as complex.

The county manager administrator approximates the city management form of government, though the position tends to have more power as it relates to preparing an executive budget and hiring and firing department heads. The commission remains in charge, but appoints an executive to implement policies and manage day-to-day affairs.

There are 25 counties designated as having commission manager government in Georgia, and five more that give the manager budgetary authority. Powers of the county administrators vary, but in all kind of cases the commission retains control. The executive selected in a county-wide election is elected mostly for a four-year term, stands at the head of county's executive branch, and has voting power in the county commission, sometimes including veto. In an effort to balance the powers of the executive and legislative branches, elected executives are often required to submit proposals for commission approval.

Dr. Streib disclosed that the results of assessing the performance of governmental forms were not overly compelling and seen as a runoff between the executive form and the county manager form. He observed that differences in various compared models with their almost infinite variations could be misleading. He stated that making a decision about form of government is essentially asking how to balance the goals of executive authority, policy leadership, and professional knowledge in an effort that both delivers what citizens want and achieves the goals that economic competitiveness requires. The core choice of an elected/appointed executive or a council operating with administrative assistants takes potentially different routes toward these same objectives, and it appears to be somewhat more art than science. Dr. Streib invited a discussion on a chart illustrating the variables of professionalization and political control, and described contrasting approaches of high professionalization with less political control and low professionalization and high political control of a sole commissioner. He also pointed out a regular commission as a more balanced form.

Dr. Streib offered for consideration common views of desired government, where professionals are often associated with efficiency while executives are commonly presented as accountable. He underlined the difference between efficiency and effectiveness, and suggested that when identifying the right things to do, the latter is in general more important. He added that today's demands for effectiveness are focused increasingly on prevention and described common expectations for leadership with a forward, long-term vision.

Mr. Irons invited committee members to pose questions on the topic of the presentation.

Senator Millar observed that all newly formed cities have a mayor and a city council as city manager. He suggested that while Cobb County has a county manager, it also has a chairman, which is similar to the form the new cities utilize. A hybrid form could be a county government with a chairman who would be elected countywide.

Dr. Streib stated that the classic city manager has the mayor probably appointed from the council in most cases and thus not elected citywide. He reiterated that there are many variations, and mentioned a study by George Fredrickson which found blurred lines between forms.

As a comparable example Senator Millar brought forward Gwinnett with its County Chair, County Commission members, and County Manager. He stated his intent to look at counties similar in size to DeKalb, pointing out not-yet-discussed hybrid form.

Dr. Streib offered that there is a table reflecting breakdown by size. He also suggested that the mentioned counties have more emphasis on the appointed professional, whereas currently in DeKalb its administrator is underneath the elected executive. That puts the commission in a much weaker position.

Mr. Irons observed that every county administrator or identified professional is politicized to a various degree. Cobb, Gwinnett, and Fulton have a very similar form of government. He asked whether Dr. Streib is suggesting that there's some flaw in DeKalb only because the professional administrator reports to one person versus reporting to a whole commission.

Dr. Streib answered that it's great if people are happy with their form of government. He described the neighboring counties brought up for comparison as having county managers who are highly regarded publicly for their management quality and professional standings. He suggested that although the current executive form of DeKalb is less common nationally, it doesn't mean that it necessarily should be changed.

Mr. Irons pointed out that there was a lot of emphasis in the written report and in the presentation on the professional versus the elected executive, and that it wasn't emphasized that county/city governments and the department heads are professionals with often more substantial backgrounds as compared to that of a single administrator. He asked how they factor in the presumed deficiency of the executive structure.

Dr. Streib disclosed his personal involvement and belief as a Georgia State University professor in training individuals for these jobs by his school, mentioned his work done for ICMA, and the fact the he designed the accreditation test for city managers. But he also indicated that the evidence for what would be best is not conclusively suggestive.

He also shared his view of a government professionalized by a leader that casts a wide shadow on the organization in terms of professional behavior, somewhat like a minister.

Commissioner Rader inquired about the availability of a model charter for a commission manager, CEO.

Dr. Streib stated that it is available for cities but he hasn't seen one for counties.

Commissioner Rader suggested that although DeKalb's organizational act, as a hybrid doesn't necessarily comply with any particular model, it would be useful to have one to compare its individual features.

Dr. Streib concurred and proposed to ask what comparable governments are.

Commissioner Rader clarified that it would be helpful to recognize and look at nuances beyond CEO versus commission manager in various models.



Then he suggested looking at the existing County Organizational Act for elements either inaccurate or not currently practiced, and provided examples of unfulfilled requirements for an audit within 60 days and for a report on the budget within 90 days. He also pointed out to a no-longer applicable provision declaring that a zoning change can't be approved unless an at-large commissioner or the district commissioner votes for it.

Commissioner Rader also observed that counties with otherwise very similar forms of government have widely varying levels of perceived performance, citing Fulton and Cobb counties as an example. He agreed that a lot of it depends upon people, but also named the distribution of the authority as a factor. He suggested as a significant deficiency the fact that DeKalb has a provision that prevents adopting a purchasing code that can be enforced in law.

Mr. Irons asked if these comments were for Georgia State or the committee.

Commissioner Rader stated that he had hoped that the Georgia State's report would help characterize the charter in actionable terms and provide recommendations for amending it.

Dr. Streib responded that he didn't see it appropriate to conclude his findings with any recommendations.

Commissioner Rader clarified that he didn't expect Dr. Streib to tell the commission what to do but, for instance, to point out that the Organizational Act prevents adopting a purchasing code.

Mr. Irons explained that there are still some latent items among what he had asked Georgia State to provide in the first report. He referred to the June 16 scope of work that reflects on a review of the Organizational Act as it relates to a form of government and a brief history of the county's form of government as a baseline for discussion.

He underlined the necessity to create a common basis for approaching the tasks at hand, like the work of dissecting the Organizational Act after the remainder of the report is delivered.

Dr. Streib stated he understood it to be Task 1.1 and that he would look into it.

Senator Gloria Butler inquired whether Prince George's County was still operating the same way as DeKalb County, with the CEO.

Dr. Streib agreed and added that Prince George's County is a very interesting comparable worth looking at.

Senator Millar suggested caution when comparing counties dissimilar in size.

Dr. Streib noted the difficulties if comparing any measured or captured quality as not necessarily being accurate reflections of the county's management.

Senator Millar expressed his wish to see how things are accomplished regarding divisions of power in the context of comparably sized counties with similar levels of population and thus very similar issues.

Dr. Streib speculated whether the new census data would be available, and he mentioned as another possible source the International City County Management Association, which does have survey data, even if somewhat dated, on how counties were operated.

He then addressed Commissioner Rader's comments again, stating that it's almost politically incorrect to suggest anything, and that organizations like NACo and ICMA don't want to recommend one form of government over another.

Commissioner Rader explained that he was seeking an objective characterization in comparing two polar extremes to facilitate a debate on how to proceed.

Dr. Streib characterized Commissioner Rader's idea of the model charter as excellent.

Commissioner Barnes Sutton thanked Dr. Streib for the presentation, but noted that it seemed to her too simplistic and that she would prefer it to be more in-depth. She stated that she works with this every day comparing best practice studies among similarly sized counties in various aspects. She said she was hoping to see a comparison of successes within the different forms of government, not just an identification of what they were.

She also agreed with Commissioner Rader's desire to address the conflicts within the Organizational Act and stated that they need to be identified.

Dr. Streib declared that the next report on service delivery will get into these issues. He then emphasized the soundness of the model charter idea and suggested that it will facilitate an enlightening comparison with DeKalb County's Organizational Act. He then suggested that identifying where the conflict is in the organization could require a survey among people who work in government.

Commissioner Rader called the conflicts structural, using as an example a provision that says that the executive assistant is supposed to report jointly to the commission and the CEO, but then it confers upon the CEO disproportionate power over the employment of the executive assistant.

Dr. Streib suggested the form of a flow chart or perhaps a model.

Mr. Irons pointed out to time constraints and the sizeable agenda ahead, and suggested to avoid a debate when the consensus on the need of more detail related to the Organizational Act has been already established. He stated that there are three reports that this committee is due from Georgia State, and that providing Dr. Streib with some guidance as to the expectations of the committee would be helpful in delivering relevant data.

He characterized today's presentation as a portion of a government organizational structure report. He described the report 1.2 as the service delivery and issues of mandated versus non-mandated services report, and the third one as an ethics and transparency report. Mr. Irons then proposed to commit a few minutes to specify some expectations for the upcoming reports to help calibrate it. He also suggested other sources for consideration if the needed pieces of information cannot be provided by Georgia State.

Dr. Streib stated that he anticipated some constructive feedback along the process.

Mr. Irons mentioned the timeline and the frequency of the meetings. He proposed that once a foundation is provided by the reports, the panel will be better able to utilize its time and debate on the direction to consider rather than what data is missing. He then asked if there were alternative opinions or points of view on proceeding.

Senator Butler concurred. She then asked whether the report was emailed. The subsequent discussion clarified what documentation was provided at the first meeting and that it provides the schedule for the reports.

Commissioner Rader recognized that Report 1.1 was not yet completed and reiterated the issue of problematic not-enforceable or not-operative items in the DeKalb Organizational Act. He shared his perception that addressing these problems could take all day.

His another concern was the State mandate as an important standard for the DeKalb's service delivery strategy to correlate with and measure against.

Commissioner Rader then suggested separating ethics and transparency as often unrelated. He cited an example of a completely ethical government that was opaque and thus not accountable for its inefficiency.

He encouraged the committee to focus on generating actionable recommendations besides those for further study.

Commissioner Rader observed that probably the majority of the people on this committee are elected officials and as such probably relatively conversant on the issues.

Commissioner Barnes Sutton agreed with Commissioner Rader and suggested that reading the Organizational Act would help to evaluate its operational merits. For instance, she stated that while commissioners should have access to all data, there is no written requirement for the CEO to comply with the rights granted to the legislative branch and there are no consequences for disregarding them. She described a situation where an executive prevented a disclosure of any information by the employees to a Commissioners.

Dr. Streib proposed three actionable items for discussion: sharing of the problems encountered by the commission members in relation with the Organizational Act, provision of a chart mapping logical consistency of the document, and looking at the examples from other legislatures. He suggested that maybe there are established processes for preparing this kind of a document and people competent in that area.

Mr. Irons stated that what's needed is a very clear review of the inconsistencies of the Organizational Act and, for a head start, an ability to take the experience of those members who can already specify certain issues.

Senator Millar concurred and added that it would be helpful to see how others, whether it's Cobb or Fulton, handle those particular inconsistencies.

Dr. Streib agreed, suggesting as open to inquiry also any already established processes in developing and amending such documents.

Mr. Irons noted comments on the Organization Act from the commissioners as interesting, admitted his much lesser familiarity with the document, and stated that in order to do the job for the citizens, all elected officials and the staff should know the act and understand it. He asked whether one of the commission's goals should be to change the structure or depoliticize it.

Commissioner Barnes Sutton stated that unless the Organization Act is depoliticized, its structure is of no relevance. It's impossible to follow the directions or the guidelines given the inconsistencies. She suggested to first make sure there's a clear path to implementation of policy and clear guidelines as to the delineation of powers and responsibilities. She proposed to clearly state that if one has the responsibility; one also the authority to fulfill one's responsibility.

Senator Millar stated that DeKalb's structure has no precedence in the entire state and that it's imperative to deal with it. He opined that in the perception, right or wrong, of a lot of people in the county the structure itself is the biggest problem.

Mr. Irons stated that he would expect any such public sentiment to be reflected as more people come to the meetings.

Senator Millar suggested that public expectations could be perhaps reflected in the press. He observed that as is, they are low, but if the commission gets the word out, there might be some people in the audience to speak accordingly.

Commissioner Barnes Sutton proposed that if the public doesn't understand the problems within the structure, amending it is not going to make a difference. Any type of organization can have a bad structure. It can be put together badly, like this one. She stated that getting rid of the CEO and getting in a county manager could be perhaps just as bad.

Mr. Jim Grubiak inquired about any apparent differences resulting from whether the administrator/manager was hired by a CEO or by a commission. He also asked about advantages and disadvantages of such officials responding directly to a CEO as opposed to a Board of Commissioners.

Dr. Streib said that views on that vary. One position sees having an elected executive as advantageous because the person in charge could be voted out if the electorate were not content with their performance.

Mr. Grubiak stated that he posed his question to stimulate further research rather than to receive an answer now.

Dr. Streib suggested that it's rather a values question, where assessing whether the professional perspective is going to be more or less advantageous will depend on the individual

making the assessment. Some will prefer a CEO with a lot of political power. Dr. Streib also suggested reviewing and considering the effect of ICMA practices for effective local government management reflected in the report.

Mr. Irons thanked Dr. Streib for his presentation.

Mr. Irons brought forward the need to select a vice chairperson for the committee and to discuss the preferred methods for adding the citizen participation before the next subcommittee meeting. He also spoke on meeting dates being slightly restructured.

Senator Millar submitted Ms. Parent as a candidate, justifying it in the subsequent discussion by stating that she was the only non-elected person on the subcommittee.

Mr. Irons recognized a recommendation from Senator Millar to identify Elena Parent as the vice chair, and noted a couple of dissenting opinions.

Commissioner Rader inquired whether there was a quorum today.

Mr. Irons explained that it hasn't been yet established what an actual quorum is, given the anticipated appointments of citizen members to the group.

Commissioner Rader pointed out the issue of whether or not this action item was on the agenda. He suggested that in light of these considerations it might be premature to conduct the election. He also stated that he wouldn't mind if the Co-Chair appointed somebody instead.

Senator Millar and Commissioner Barnes Sutton concurred.



Senator Butler asked to see the submitted names in order to make a better decision. She also commented on Senator Millar's suggestion that Ms. Parent has been elected in the House and is up for election in November.

Mr. Irons stated that the committee doesn't have to identify an elected person today and that he introduced this item to help the group understand the direction that he undertook. He also signified the synergy that John Shelton and he are trying to create between the two committees, and that the other subcommittee has already identified a vice chairperson.

Ms. Mitchell disclosed that there were twelve to 15 proposed names and suggested to decide the size of the committees.

After some discussion, in a response to Senator Butler's inquiry as to whether alternatives were being considered, Mr. Irons brought up the issue of representatives from each of the proposed municipalities. Ms. Mitchell submitted that while it was proposed that representatives from the municipalities serve on the subcommittee, there were other names being considered as well. The proposed cities were named as Briarcliff, Lakeside, Tucker, and Stonecrest. Ms. Mitchell reiterated the need to decide the size of the committees as a sticking point as it relates to citizen participation.

Commissioner Rader suggested considering candidates from several civic interest groups that have formed in the county over a long period of time.

Commissioner Barnes Sutton proposed to consider instead, citizens who are not participating in an organized group that seeks specific political outcomes.

Commissioner Rader observed that her proposal was at great odds with what the other committee has done.

Commissioner Barnes Sutton stated that she would have voiced the same opinion if she had been on that other committee.

Senator Millar suggested having representation from throughout the entire county.

Senator Millar requested a number of microphones be provided so that the audience is able to hear the comments by the Committee.

Mr. Grubiak noted concerns from the other subcommittee about the fact that all of the additional citizen members were from aspiring cities and thus formed an insufficient broad representation.

Mr. Irons asked whether there was a consensus on having the members each identify one or two recommendations of names and then allowing the Chair to appoint from that list.

Senator Millar agreed. He also commented on the earlier raised subject of groups having their own agendas, indicating that individuals aren't without agendas either.

Mr. Irons declared that he didn't mind making the decision.

Ms. Mitchell wanted to clarify the scope of what was to be presented by the Georgia State as reflecting a survey of an organizational form of four to six neighboring peer counties, a review of the DeKalb County Organizational Act as it relates to the form of government, a brief history of

the county's form of government, and a discussion on challenges associated with the forms of government.

Commissioner Rader offered an opinion that there is no need to go into a great detail in comparing DeKalb to surrounding governments as they are classified as different types. He pointed out to DeKalb's elected executives, that several of them are county managers, and that some of them are appointed administrators. His understanding was that there was a desire to compare DeKalb to some perfected model and on both ends of the spectrum between professionalized and representative government. He recommended comparing individual provisions of the county in that spectrum.

Commissioner Barnes Sutton asked whether it pertained to functionality; which Commissioner Rader confirmed.

Senator Millar revisited the point that structure cannot be ignored. He suggested considering the approach assumed in similar structures of comparable counties like Gwinnett and Cobb as a possible way to solve problems that were not solved under the current structure.

Mr. Irons stated that clearing the Organizational Act and providing in it the delineation of powers and responsibilities is imperative. He reflected that there was a point in time that everyone thought the structure worked and no one complained about it. He suggested that before the next committee meeting each of the members reviews the Organizational Act.

Senator Millar voiced an opinion that if the Organizational Act is revised under existing structure of government, to his understanding the task of the committee won't be accomplished.

Mr. Irons suggested that after examining Organizational Act the discussion on prioritizing will be more constructive.

Senator Butler asked to add that the structure cannot be changed here anyway.

Commissioner Barnes Sutton stated that it has to be by referendum.

Mr. Irons said that all this is going to be recommendation to the board and to the delegation.

Commissioner Barnes Sutton disclosed that she doesn't expect the Organizational Act to be perfect, just fixed to be at least on an even playing field.

Mr. Irons shared his view that over time every municipality or community goes through different periods, sometimes strong and sometimes weak, and that elected or not elected individuals that come into certain roles can have a positive or negative impact. He suggested that what the committee recommends can last over time.

Mr. Irons announced restructuring of the meeting schedule so that the reports will be available the week before, giving everyone time to read the reports, digest them, and prepare questions in advance of presentations. This will also provide a better opportunity to share information with the public by the time the meeting happens. The first week of the month is a whole committee meeting. The next Wednesday would be Subcommittee Number 1, which is municipalization and incorporation. Then Subcommittee Number 2 will meet the week right after that. And then the fourth meeting will be a work session to prepare for the public meeting.

Senator Millar inquired about the dates of 13th and 20th.

Ms. Mitchell recommended conducting a brief overview at the next meeting of some of the missing information to bring everybody up to par in terms of what the municipalization subcommittee covered. She pointed out that it's time to start thinking about long term goal and in terms of generating feedback.

Senator Millar asked again about the dates. After some discussion, Ms. Mitchell explained that she put out proposed dates but left the specific decisions up to the Chairs.


Mr. Irons stated that the next meeting would be a full committee meeting.

Ms. Mitchell announced that technically it would be a working meeting preceding the full committee meeting. In further discussion the order of meetings as outlined by her was confirmed, and it was emphasized that the full task force meetings will be televised. The dates remained as previously scheduled, but what occurs of those dates has been rearranged. Ms. Mitchell declared to prepare the next day the new schedule, the names of the citizens that have been recommended, and the scope.

Senator Millar's requested a disclosure on where these citizens are from.

Mr. Irons asked the subcommittee members to provide their additional suggested names by next Wednesday. He then moved for a motion to adjourn, which was moved and seconded. The meeting was adjourned at 7:59 p.m.

Regards,

A handwritten signature in cursive script, appearing to read "Barbara H. Sanders, CCC, CMC".

Barbara H. Sanders, CCC, CMC

Clerk to the Board of Commissioners and

The Chief Executive Officer